

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JACOB BAREFIELD,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 2:20-cv-00917-WKW-CWB
)	
JEFFERSON S. DUNN, et al.)	
)	
Defendants.)	

**DEFENDANT HAGGINS’
MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Defendant Josiah Haggins, and pursuant to FED. R. CIV. P. 56, moves this Honorable Court to enter summary judgment in his favor, dismissing this action and each count thereof, on the grounds that there is no genuine dispute as to any material fact and this defendant is entitled to judgment as a matter of law.

More specifically, summary judgment should be granted for the following reasons:

1. Defendant Haggins was not at work on the day Plaintiff alleges that he was raped and reported the rape to Haggins;
2. As a matter of law, there is insufficient evidence that Defendant Haggins is liable for the claims asserted against him in Count II(A) for deliberate indifference to a serious medical need, Count III(B) for intentional infliction of emotional distress, and Count IV for civil conspiracy, all of which are based on Barefield’s contention that Haggins ignored his report of being raped; and
3. The claims against Defendant Haggins are barred by qualified immunity and State-agent immunity.

This motion is based on the pleadings, Plaintiff's amended complaint, the affidavit of Josiah Haggins, and the affidavit of Donald Garris with the Alabama Department of Corrections, and Haggins' Brief in Support of Motion for Summary Judgment along with his narrative statement of undisputed facts filed contemporaneously herewith.

WHEREFORE PREMISES CONSIDERED, Defendant Haggins requests this Honorable Court to enter summary judgment in his favor dismissing this action and each count thereof as to him and to make said judgment final on the express ground there is no just reason for delay in entry of final judgment in his favor.

Respectfully submitted,

/s/ Steven K. Herndon
STEVEN K. HERNDON
(ASB-0093-O74S)
Attorney for Defendant Haggins

Herndon Law PC
1430 I-85 Parkway, Suite 234
Montgomery, AL 36106
Telephone: (334) 386-3848
Facsimile: (334) 386-3852
steve@herndon.law

CERTIFICATE OF SERVICE

I hereby certify that on this 6th of December 2023, I have served a copy of the foregoing on all parties by using CM/ECF or by U.S. mail:

Shannon Lynn Holliday
Copeland Franco Screws & Gill, PA
P.O. Box 347
Montgomery, AL 36101-0347
holliday@copelandfranco.com

Alexis Debernardis
Charlotte Gillingham
Jeane A. Thomas
Luke Van Houwelingen
Crowell & Moring LLP
1001 Pennsylvania Ave NW
Washington, DC 20004
adebernardis@crowell.com
cgillingham@crowell.com
jthomas@crowell.com
lvanhouwelingen@crowell.com

Eric Fanchiang
Crowell & Moring LLP
3 Park Plaza – 20th Floor
Irvine, CA 92614
efanchiang@crowell.com
Attorneys for Plaintiff

Terri Olive Tompkins
Christian Alexandra Montgomery
Rosen Harwood, P.A.
2200 Jack Warner Parkway, Suite 200
Tuscaloosa, Alabama 35401
ttompkins@rosenharwood.com
amontgomery@rosenharwood.com
Attorney for Anne Hill

Matthew Reeves
William Richard Lunsford
Matthew Barley
Butler Snow LLP
200 West Side Square, Suite 100
Huntsville, Alabama 35801
bill.lunsford@butlersnow.com
matt.reeves@butlersnow.com
matt.barley@butlersnow.com
Attorneys for Defendants Hamm, Culliver, Williams, Stamper, Naglich, Abbott, Mercado, Brand, Vincent, Strickland, Jones, Gordy, Myers, Gordon, Peters, Haggins, Glenn, Rumph, Byrd, Lewis, & Ivey

J. Matt Bledsoe
Tara S. Hetzel
Office of the Alabama Attorney General
501 Washington Avenue
Montgomery, AL 36130
matt.bledsoe@alabamaag.gov
tara.hetzel@alabamaag.gov
Attorneys for Defendants Strickland, Jones, Myers, Gordon, Peters, Glenn, Rumph, Byrd, & Lewis

/s/ Steven K. Herndon